

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES FIDELITY AND GUARANTY COMPANY,	:	CIVIL ACTION NO. 1:01-CV-0813
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
BRUCE J. BROWN and BROWN SCHULTZ SHERIDAN & FRITZ,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of October, 2003, upon consideration of plaintiff's motion in limine to preclude the testimony of Mark Holtschneider ("Holtschneider") (Doc. 116), and following a pretrial conference involving counsel for the parties, and it appearing that defendants failed to identify Holtschneider as a potential witness in a timely fashion, see FED. R. CIV. P. 26(a)(1)(A) (requiring parties as part of their initial disclosures to identify "each individual likely to have discoverable information that the disclosing party may use to support its claims"), but that Holtschneider is an officer of United States Fidelity and Guaranty Company and thus is readily available to plaintiff for trial preparation, see FED. R. CIV. P. 37(c)(1) (providing that sanctions should not be imposed if failure to comply

with Rule 26(a) is “harmless”), it is hereby ORDERED that the motion in limine to preclude the testimony of Mark Holtschneider (“Holtschneider”) (Doc. 116) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge